

arranged as a payload for the vehicle.” Independent claim 15 similarly recites, “[a] method of storing and transporting electrical energy by means of a vehicle carrying an electrical storage device as a payload.”

With regard to claims 1 and 15, the Examiner points to battery 14 and cells of electrolytic reprocessing subsystem 16 as allegedly teaching a storage device arranged as a payload for a vehicle. The battery 14 and cells of reprocessing subsystem 16 of Goldman are part of a recharging station, and thus are not arranged as a payload for a vehicle. See Goldman at 6-7. The Examiner also points to page 7, lines 6-16, which recite “Discharged slurry is received a facility 18 from the electric vehicles 22 and from storage battery 14. The storage battery 14 provides, when necessary or economical, electrical power to transmission line 10 via conversion unit 12.” This says nothing about the battery 14 or the cells of reprocessing subsystem 16 being arranged as a payload for a vehicle. The batteries 14 of Goldman are never loaded on the vehicle, and thus are not arranged as the payload for the vehicle. To the extent the Examiner’s reference to page 7, line 25 to page 8, line 18 refers to batteries which power an electric vehicle, such batteries are not arranged as a payload for the vehicle. Accordingly, claims 1 and 15 are not anticipated by Goldman. Claims 2, 3, 7-14, and 20-24 depend from claim 1 and are not anticipated by Goldman at least by virtue of their dependencies, and in addition are allowable for the novel and non-obvious combinations recited therein. Claims 16-18 depend from claim 15 and are not anticipated by Goldman at least by virtue of their dependencies, and in addition are allowable for the novel and non-obvious combinations recited therein. Accordingly, claims 1-3, 7-18 and 20-24 are not anticipated by Goldman.

In response, the Examiner points to battery 14 and Figure 3. The Examiner does not address the fact that the battery 14 is never loaded on the vehicle. Figure 3 shows discharged slurry being removed and charged slurry being supplied to the vehicles. There is no indication that the vehicles of Figure 3 include storage devices arranged as a payload. If discharged slurry is removed from any unidentified battery in the vehicle, the batteries are being used to power the vehicle and are not arranged as a payload. To the extent the Examiner is making an inherency argument, any such contention is respectfully traversed and evidentiary support is respectfully requested.

Independent claim 25 recites, “[a] vehicle, comprising: means for storing electrical energy ... arranged as a payload for the vehicle.” The Examiner points to Figure 4, item 74. Item 74 of Figure 4 is a tank that stores discharged fluid received from a vehicle. The tank is part of the reprocessing subsystem 16 and is not arranged as a payload for a vehicle. Accordingly, claim 25 is not anticipated by Goldman.

The Examiner rejected claims 14 and 19 under 35 USC Section 103(a) as obvious over Goldman in view of U.S. Patent No. 5,349,535 issued to Gupta. The Examiner’s rejections are respectfully traversed. Claims 14 depends from claim 1. Claim 19 recites, “a vehicle carrying an electrical storage device as a payload.” The Examiner does not contend that Gupta teaches, suggests or motivates a storage device arranged as a payload of a vehicle, which as discussed above with regard to claim 1 is not taught, suggested or motivated by Goldman. Thus, the combination of Goldman and Gupta does not render obvious the recited storage device. Accordingly, claims 14 and 19 are not rendered obvious by Goldman, alone or in combination with Gupta.

In addition, claim 19 recites, “monitoring a number of charge/discharge cycles for each storage element; and outputting a corresponding notification when a predetermined number of cycles is reached.” The Examiner points to column 10:10-19 and column 11:66 to (presumably) column 12:8 of Gupta. The cited portions generally discuss maintaining data and providing transaction and service notifications when a vehicle is coupled to a charging station. There is no discussion of outputting a notification when a predetermined number of cycles is reached. The Examiner did not respond to this argument.

The Examiner rejected Claim 20 under 35 U.S.C. 103(a) as obvious over Goldman in view of Okada (U.S. 5,960,898). Claim 20 depends from claim 1. The Examiner does not contend that Okada teaches, suggests or motivates a storage device arranged as a payload of a vehicle, which as discussed above with regard to claim 1 is not taught, suggested or motivated by Goldman. Accordingly, claim 20 is not rendered obvious by Goldman, alone or in combination with Okada.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Application No. 10/516,794
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All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
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